

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CARL LAPRA PRADIA, JR.,)	Case No. 1:20-cv-01348-DAD-BAK (SAB) (PC)
)	
Plaintiff,)	
)	ORDER SETTING REMOTE SETTLEMENT
v.)	CONFERENCE AND STAYING CASE FOR
)	70 DAYS
A. BACCERA, et al.,)	
)	Date: April 18, 2022
Defendants.)	Time: 10:00 a.m.
)	

Plaintiff Carl Lapra Pradia, Jr. is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 28, 2021, the Court referred this case to post-screening ADR, stayed the case for 90 days, and directed the parties to file a notice indicating their agreement to proceed to an early settlement conference or their belief that settlement is not achievable at this time within forty days. (ECF No. 26.)

On December 10, 2021, Plaintiff filed a notice indicating that a settlement conference would be productive. (ECF No. 56.) On January 10, 2022, Defendants filed a notice also indicating that a settlement conference would be productive. (ECF No. 59.)

Therefore, this case will be referred to Magistrate Judge Stanley A. Boone to conduct a settlement conference on **April 18, 2022 at 10:00 a.m.** In light of the coronavirus (COVID-19)

1 outbreak and evolving coronavirus protocols, the Court finds that the parties shall appear **remotely** via
2 the Zoom videoconferencing application.

3 Counsel for Defendants shall contact Courtroom Deputy, Victoria Gonzales, at (559) 499-5672
4 or vgonzales@caed.uscourts.gov for the video and dial-in information, including any necessary
5 passcodes, for all parties. Counsel for Defendants is also required to arrange for Plaintiff's participation
6 by contacting the Litigation Coordinator at the institution where Plaintiff is housed and providing the
7 necessary Zoom contact information.

8 In issuing this order, there is a presumption that this case will proceed to a settlement
9 conference.¹ The parties shall each submit to Judge Boone a confidential settlement conference
10 statement, as described below, to arrive at least seven days prior (one week) to the conference.

11 The Court puts the parties on notice that if Plaintiff has any outstanding criminal restitution
12 obligation, fines and/or penalties, these settlement negotiations shall not be geared towards what the
13 restitution obligation is, but what the value the of the case itself is to each side, irrespective of any
14 outstanding restitution obligation.

15 In accordance with the above, IT IS HEREBY ORDERED that:

- 16 1. This action is STAYED for 70 days to allow the parties an opportunity to settle their
17 dispute before the discovery process begins. Except as provided herein or by
18 subsequent court order, no other pleadings or other documents may be filed in this case
19 during the stay of this action. The parties shall not engage in formal discovery, but may
20 engage in informal discovery to prepare for the settlement conference.
- 21 2. This case is set for a remote settlement conference before Magistrate Judge Stanley A.
22 Boone on **April 18, 2022, at 10:00 a.m.**
- 23 3. A representative with full and unlimited authority to negotiate and enter into a binding
24 settlement shall attend in person.
- 25 4. Those in attendance must be prepared to discuss the claims, defenses and damages.

26 The failure of any counsel, party or authorized person subject to this order to appear in
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28 ¹ If the case does not settle, the Court will then issue the Discovery and Scheduling Order.

1 person may result in the cancellation of the conference and the imposition of sanctions.
2 The manner and timing of Plaintiff's transportation to and from the conference is
3 within the discretion of CDCR.

- 4 5. Defendants shall provide a confidential settlement statement to the following email
5 address: saborders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement
6 statement to U.S. District Court, 2500 Tulare Street, Fresno, California, 93721,
7 **"Attention: Magistrate Judge Stanley A. Boone."** The envelope shall be marked
8 "Confidential Settlement Statement". Settlement statements shall arrive no later than
9 **April 11, 2022.** Parties shall also file a Notice of Submission of Confidential
10 Settlement Statement (See Local Rule 270(d)). Settlement statements **should not be**
11 **filed** with the Clerk of the Court **nor served on any other party**. Settlement
12 statements shall be clearly marked "confidential" with the date and time of the
13 settlement conference indicated prominently thereon.
- 14 6. The confidential settlement statement shall be **no longer than five pages** in length,
15 typed or neatly printed, and include the following:
- 16 a. A brief statement of the facts of the case.
 - 17 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
18 which the claims are founded; a forthright evaluation of the parties' likelihood of
19 prevailing on the claims and defenses; and a description of the major issues in
20 dispute.
 - 21 c. An estimate of the cost and time to be expended for further discovery, pretrial, and
22 trial.
 - 23 d. The party's position on settlement, including present demands and offers and a
24 history of past settlement discussions, offers, and demands.
 - 25 e. A brief statement of each party's expectations and goals for the settlement
26 conference, including how much a party is willing to accept and/or willing to pay.
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f. If the parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s), if applicable.

7. If a settlement is reached at any point during the stay of this action, the parties shall file a Notice of Settlement in accordance with Local Rule 160.

8. The parties remain obligated to keep the court informed of their current address at all times during the stay and while the action is pending. Any change of address must be reported promptly to the court in a separate document captioned for this case and entitled "Notice of Change of Address." See Local Rule 182(f).

9. A failure to follow these procedures may result in the imposition of sanctions by the court.

IT IS SO ORDERED.

Dated: February 8, 2022



UNITED STATES MAGISTRATE JUDGE